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March 29, 1995

ISSUE PAPER

#000053232

ISSUE STATEMENT

Dennis - This is a 5:15 rewrite

SHALL THE RECORD OF DECISION FOR OPERABLE UNIT 15 PRESENT A NO ACTION or AN INSTITUTIONAL CONTROLS ALTERNATIVE.

Bestone

to operate on

BACKGROUND

In its letter approving the Phase I RFI/RI Report for OU 15, the State of Colorado directed DOE to propose milestone dates for activities leading to closure of this operable unit with a Corrective Action Decision/Record of Decision and to "institutionalize" the radiation worker protection control for these IHSS areas. DOE proceeded to prepare a draft Proposed Plan which proposed a No Action alternative. The State request to institutionalize the radiation control program was addressed by presenting a discussion of rad control program within the Proposed Plan as well as wording to commit DOE to the continuation of those controls as long as they are necessary.

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The draft Proposed Plan was faxed to the State and EPA staff who are directly assigned to OU 15. In a meeting on March 27, the EPA representative stated that the DOE approach was unacceptable to EPA, and that the EPA interpretation of institutionalize is to propose Institutional Controls as the alternative, namely, define the radiation control program as a remedial action implemented as an institutional control.

The EPA representative has requested DOE to seek internal higher management confirmation of the approach presented in the draft Proposed Plan, indicating he thinks that other RFFO personnel have accepted the EPA view. This issue paper is prepared to resolve the point. It will be circulated to RFFO and HQ for discussion.

The OU 15 Work Plan, approved in 1992, stipulated the ARARs were basically the State RCRA Clean Closure Procedure and the DOE Radiation Control Process established under DOE Orders for Occupational Workers.

OU 15 consists of six Individual Hazardous Substance Sites. The IHSSs are

- Four RCRA 90-day storage areas
- A RCRA treatment unit used to oxide cyanide to cyanate.
- A RCRA treatment unit used to roast uranium chips coated with cutting oils, thus oxidizing them.

U M

REVIEWED FOR CLASSIFICATION/UCNI	
BY	G. T. Ostdiek <i>870</i>
DATE	4-24-95

OK For PUBLIC

ADMIN RECORD

A-OU15-000223

Two sampling campaigns have been conducted. The results show

- (1) All six IHSSs meet State RCRA clean closure requirements. The State and EPA agree. No RCRA constituents were found to be present, except a phthalate compound. Phthalates are considered a false positive in many RCRA clean closures. The State letter to proceed did not mention the phthalate compound; however, it directed DOE to proceed with clean closure and preparation of a CAD/ROD.
- (2) Five of the six IHSSs are in compliance with the radiological conditions required by DOE orders for occupational workers without additional controls. The EPA and State representatives do not have a problem with a NO ACTION ROD for these five IHSSs.
- (3) The sixth IHSS, the uranium chip roaster in Building 447, has radiological contamination which requires respirators in addition to the radiation controls generally in place for the Radiation Control Area encompassing it. This respirator requirement is for protection of occupational workers when entering the rooms which contain the chip roaster itself. In terms of the Radiation Control Program, the rooms containing the chip roaster are Radiation Contamination Areas. They have been administered under that program for a considerable time. It is the chip roaster which causes EPA's position to shift to making the ROD an Institutional Control one. EPA regards the continuation of the rad controls as an action, thus an institutional control.

OPTIONS

The three options are:

- (1) Accept the EPA position that the Proposed Plan present the Institutional Control Alternative
- (2) Hold to the DOE position that there is NO ACTION required.
- (3) Remove the chip roaster from OU 15 and hold it in abeyance until it can be addressed as part of building wide decontamination.

DISCUSSION

It is important to note that all three of these options will have the same implementation for the chip roaster. It will be under the Rad Control Procedures it is currently under. No change in the procedures will occur.

EPA may determine no action (i.e., no treatment, engineering controls, or institutional controls) is warranted when an

Operable Unit poses no current or potential threat to human health or the environment. The lead agency, DOE in this case, should explain that unacceptable exposures to hazardous substances will not occur.

The rationale DOE uses for the NO ACTION alternative is that DOE, through the radiation control program already in place, and its continued execution, has assured that no unacceptable risk exists to occupational workers. The environment and the general public are protected by the building control procedures which contain any contamination inside the building.

The chip roaster is a Radiation Contamination Area within a Radiation Control Area. It is administered under 10CFR835 regulations. These regulations have superseded those listed in the radiation regulations listed in the OU 15 Work Plan and approved in 1992. Nevertheless, they are the Applicable Relevant and Appropriate Regulations for radiation worker protection within the buildings.

The existing procedures implemented by DOE limit the access to the IHSS to trained personnel. These personnel are required to have Radiation Work Permits to enter the main Radiation Control Area in Building 447. Protective clothing is required for entry. If the worker is to enter the chip roaster rooms, then there must be a Radiation Worker Permit for that entry stipulating a full face respirator.

In fact, the existence of these procedures means the chip roaster meets the ARARs for OU 15 today. The chip roaster is in a protective state and no action is required. That is to say that OU 15 is in compliance now.

EPA takes the position that these radiation worker protection controls are institutional controls and must be called out in the Proposed Plan.

The last option is to remove the chip roaster from OU 15 and hold it in abeyance pending future actions, potentially (1) decontamination as part of the National Conversion Pilot Project or (2) transfer to an Awaiting D&D OU as part of the reconfiguration of the Industrial Area.

The NCPP Stage II Work Plan stated that the OU 15 IHSSs in Buildings 447, 865, and 883 would be decontaminated to occupational worker protection standards as part of the Stage II activities. This would mean nothing in terms of the Building 865 and 883 IHSSs, because they have already been determined to meet such standards. However, the chip roaster would be decontaminated as part of NCPP, whenever the building 447 activity is funded. This would presumably remove the roaster itself and clean all radiation contamination to meet rad worker protection standards for the work space without personal protective gear. Therefore, the option of waiting for another

activity to decon the space is a real one.

Likewise, the likelihood that a reconfigured Industrial Area would provide a Operable Unit for awaiting D&D is high. This could occur sooner than the decontamination under NCPP. No course these two possibilities are compatible. The occurrence of either or both would determine the fate the chip roaster.

RECOMMENDATION

Option 2, the NO ACTION alternative, is preferred.